REMARKS

This paper is filed in response to the Office Action mailed June 9, 2009.

Claims 12, 14-20, 34, 35, 37, 38, and 45 are pending in this application. Claims 15-16 and 19-20 objected to as being allowable but dependent from a rejected base claim. Claims 34, 35, 37, 38, and 45 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 1,642,151 to Jones ("Jones"). Claims 12 and 17-18 are provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over co-pending U.S. Patent Application No. 10/657,079 to Alexander ("Alexander I"). Claims 14 and 34 are provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over co-pending U.S. Patent Application No. 11/204,646 to Alexander ("Alexander II").

Applicant respectfully traverses each of the rejections of the claims and requests reconsideration and allowance of all claims in view of the remarks below.

I. Double Patenting – Claims 12, 14, 17-18, and 34

Applicant submits herewith a terminal disclaimer over each of Alexander I and Alexander II to obviate the obviousness-type double patenting rejections of claims 12, 14, 17-18, and 34. Applicant respectfully requests the Examiner withdraw the rejection of claims 12, 14, 17-18, and 34.

II. Objection to Claims 15-16 and 19-20

Claims 15-16 and 19-20 were objected to as being directed to allowable subject matter, but being dependent from a rejected base claim. In view of the terminal disclaimer filed over Alexander I and Alexander II, all pending rejections of claims 12 and 18, from which claims 15-16 and 19-20 depend, have been obviated. Thus, claims 12 and 18 are allowable, and consequently, claims 15-16 and 19-20 are dependent from allowable claims. Applicant respectfully requests the Examiner withdraw the objection to claims 15-16 and 19-20.

III. § 102(b) – Jones – Claims 34, 35, 37, 38, and 45

Applicant respectfully traverses the rejection of claims 34, 35, 37, 38, and 45 under 35 U.S.C. § 102(b) as allegedly being anticipated by Jones.

To anticipate a claim under 35 U.S.C. § 102(b), a reference must disclose each and every element of the rejected claim. *See* M.P.E.P. § 2131.

Because Jones does not disclose "receiving a peripheral device configured as a medical instrument into a capture mechanism" as recited in claim 34, claim 34 is patentable over Jones. Jones discloses a mouse trap. Jones does not disclose a peripheral device configured as a medical instrument, nor does Jones disclose "receiving a peripheral device configured as a medical instrument." Further, one of ordinary skill in the art would consider substituting a peripheral device configured as a medical instrument for the mouse (an animal), cited by the Examiner as the peripheral device. *See* Office Action, p. 2. Thus, claim 34 is patentable over Jones. Applicant respectfully requests the Examiner withdraw the rejection of claim 34.

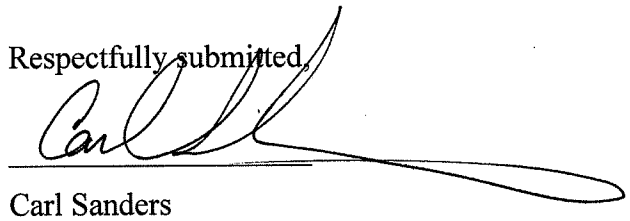
Because claims 35, 37, 38, and 45 each depend from and further limit claim 34, each of claims 35, 37, 38, and 45 is patentable over Jones for at least the same reasons. Applicant respectfully requests the Examiner withdraw the rejection of claims 35, 37, 38, and 45.

CONCLUSION

Applicant respectfully asserts that in view of the amendments and remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Respectfully submitted,



Date: October 8, 2009

Carl Sanders
Reg. No. 57,203

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101
(336) 607-7474 (voice)
(336) 734-2629 (fax)